

Message Text

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INFO OCT-01 ADP-00 RSR-01 EURE-00 IO-13 CIAE-00 DODE-00

PM-07 H-02 INR-10 L-03 NSAE-00 NSC-10 PA-03 RSC-01

PRS-01 SS-15 USIA-12 ACDA-19 GAC-01 MBFR-03 SAJ-01

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P R 311418 Z MAY 73

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 5431

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY MOSCOW

USMISSION NATO BRUSSELS

USMISSION USUN NEW YORK

USMISSION BERLIN

C O N F I D E N T I A L SECTION 01 OF 03 BONN 07808

E. O. 11652: GDS

TAGS, PFOR, GW, GE, WB, UR, UN

SUBJECT: UN ENTRY OF TWO GERMAN STATES

REF: A. STATE 102786; B. BONN 7465; C. BONN 7213;

D. STATE 93960

SUMMARY: AT BONN GROUP MEETING ON MAY 30, FOREIGN OFFICE
REP (BLECH) DESCRIBED POSSIBLE APPROACHES BEING CONSID-
ERED BY THE FEDERAL GOVERNMENT FOR HANDLING OF THE UN
MEMBERSHIP QUESTION AFTER A DECISION HAD BEEN TAKEN BY
THE FEDERAL CONSTITUTIONAL COURT ON THE BAVARIAN REQUEST
FOR AN INJUNCTION AGAINST PROMULGATION OF THE BASIC
TREATY LAW (BONN 7805). THERE WAS ALSO FURTHER CONSIDER-
ATION OF TIMING AND CONTENT OF CONSULTATIONS WITH THE
SOVIETS, WITH OTHER ALLIED AND FRG REPS ARGUING STRONGLY
IN FAVOR OF A GREATER AMOUNT OF PRIOR PREPARATION IN
THE BONN GROUP THAN PROPOSED BY THE DEPARTMENT (REF A)
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BEFORE TRANSFERRING ACTION TO NEW YORK. END SUMMARY

1. BLECH SAID THE MAIN CONCERN OF THE FEDERAL GOVERNMENT AT THE MOMENT WAS TO DECIDE WHAT TO DO IF THE CONSTITUTIONAL COURT DID ISSUE AN INJUNCTION WHICH PREVENTED PROMULGATION OF THE BASIC TREATY LAW UNTIL JULY 31. THE TWO ALTERNATIVES WOULD BE: A) ATTEMPT TO MAINTAIN THE LINKAGE BETWEEN ENTRY INTO FORCE OF THE BASIC TREATY AND SUBMISSION OF UN MEMBERSHIP APPLICATIONS; OR B) TO BREAK THE LINKAGE AND TO AGREE WITH THE GDR TO SUBMIT APPLICATIONS NOW AND LEAVE ENTRY INTO FORCE OF THE BASIC TREATY TO A LATER DATE. BLECH NOTED THAT THE DECISION WOULD BE ENTIRELY A POLITICAL ONE; THERE WAS NO LEGAL CONNECTION BETWEEN THE TWO PIECES OF LEGISLATION AND PRESIDENT HEINEMANN COULD SIGN THE UN LAW AT ANY TIME EVEN IF AN INJUNCTION HAD BEEN ISSUED AGAINST SIGNATURE OF THE BASIC TREATY LEGISLATION

2. BLECH NOTED THE CLEAR PREFERENCE OF THE FEDERAL GOVERNMENT FOR CONTINUATION OF THE LINKAGE. HE SAID A DECISION ON WHETHER TO BREAK THE CONNECTION WOULD DEPEND TO A GREAT EXTENT ON WHETHER IT WOULD BE POSSIBLE TO CONVINCE THE GDR TO DELAY SUBMISSION OF ITS OWN APPLICATION UNTIL THE END OF JULY AND ON AN ASSESSMENT OF THE DANGER THAT THE FRG AND THE THREE POWERS WOULD COME UNDER PRESSURE FROM THE SOVIETS TO MOVE AHEAD WITHOUT WAITING FOR ACTION ON THE BASIC TREATY. BLECH THOUGHT THE MAY 30 BAHR-KOHL MEETING MIGHT GIVE AN INDICATION OF THE GDR POSITION ON THE QUESTION. (FYI. BECAUSE OF GERMAN HOLIDAY MAY 31, A REPORT OF THAT MEETING WILL BE DELAYED). HE SAID INFORMATION AVAILABLE TO THE FRG INDICATED THAT THE GDR LEADERSHIP WAS PREPARED TO TAKE A RELATIVELY RELAXED VIEW OF THE PROBLEM RAISED BY THE BAVARIANS. THERE SEEMED TO BE NO FEAR THAT THE FRG WAS OUT TO TORPEDO THE ENTIRE EXERCISE; NOR APPARENTLY WAS THERE ANY INCLINATION TO COME BACK WITH A STRONG NEGATIVE REACTION. IN LIGHT OF THIS INFORMATION, BLECH THOUGHT IT MIGHT BE POSSIBLE TO BAHR TO CONVINCE KOHL TO AGREE TO A DELAY IN SUBMISSION UNTIL THE END OF JULY.

3. BLECH SAID THE FEDERAL GOVERNMENT WAS INTERESTED IN CONFIDENTIAL

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ALLIED VIEWS ON WHAT IF ANY PRESSURE THEY EXPECTED THE SOVIETS TO EXERT FOR RAPID MOVEMENT. ALLIED REPS THOUGHT THAT IF IT WERE POSSIBLE TO CONVINCE THE GDR TO DELAY SUBMISSION OF ITS APPLICATION, THERE PROBABLY WOULD NOT BE TOO MUCH DANGER OF EXTRA PRESSURE FROM THE USSR. THEY EXPRESSED DOUBTS ABOUT THE POSSIBILITY OF SECURING GDR AGREEMENT TO GO ALONG, HOWEVER.

4. BLECH SAID THAT IRREGARDLESS OF WHAT WAS DECIDED BY THE FEDERAL GOVERNMENT ON THE FATE OF THE LINKAGE, THE FOREIGN OFFICE BELIEVE IT WOULD BE WISE TO MAKE AN INITIAL CONTACT WITH THE SOVIETS IN NEW YORK VERY SOON. BLECH THOUGHT SUCH A CONTACT WOULD BE USEFUL FOR TWO REASONS: A) IT WOULD GIVE THE SOVIETS TIME TO PREPARE FOR CONSULTATIONS, EVEN THOUGH WE WOULD NOT BE ABLE TO

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PRS-01 SS-15 USIA-12 ACDA-19 GAC-01 MBFR-03 SAJ-01

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P R 311418 Z MAY 73
FM AMEMBASSY BONN
TO SECSTATE WASHDC PRIORITY 5432
INFO AMEMBASSY LONDON
AMEMBASSY PARIS
AMEMBASSY MOSCOW
USMISSION NATO BRUSSELS
USMISSION USUN NEW YORK
USMISSION BERLIN

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PROPOSE A SPECIFIC DATE; AND B) IT WOULD CONSTITUTE A SORT OF " HOLDING ACTION", MAKING IT POSSIBLE FOR US TO REASSURE THE SOVIETS (AND GDR) THAT WE WERE INTENDING TO PROCEED AS AGREED, DESPITE POSSIBLE DELAYS BECAUSE OF THE COURT ACTION IN THE FRG. BLECH THOUGHT IT WOULD NOT BE NECESSARY TO COMPLETE PREPARATIONS FOR THE CONTENT OF

THE CONSULTATIONS BEFORE THE FIRST APPROACH WAS MADE. HE BELIEVED IT WOULD BE DESIRABLE TO CONSIDER APPROACHING THE SOVIETS SOON AFTER THE CONSTITUTIONAL COURT HAD DECIDED ON THE INJUNCTION, PERHAPS AT THE MIDDLE OF NEXT WEEK.

5. ALLIED REPS AGREED THAT SUCH AN APPROACH WOULD BE USEFUL. THE FRENCH REP (LUSTIG) POINTED OUT THAT SINCE THERE WAS NO LEGAL CONNECTION BETWEEN THE BASIC TREATY AND UN ENTRY LEGISLATION, IF THE FACT THAT THE ALLIES
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HAD MADE SUCH AN APPROACH BECAME KNOWN, THERE COULD BE NO CHARGE THAT THE THREE POWERS WERE INTERFERING IN FRG CONSTITUTIONAL PROCESSES. ALLIED REPS AGREED TO RECOMMEND THAT AN APPROACH BE PLANNED FOR SOME WHERE BETWEEN JUNE 5 AND 8.

6. THE US REP DESCRIBED THE DEPARTMENT' S VIEWS ON CONDUCT OF THE CONSULTATIONS AS CONTAINED IN REF (A). BLECH CONFIRMED THAT HE WOULD BE GOING TO NEW YORK, BUT ADDED THAT HE WOULD NOT BE ABLE TO SPEND A GREAT DEAL OF TIME THERE. THUS, HE WAS IN FAVOR OF COMPLETING A GOOD DEAL MORE OF THE PREPARATIONS IN BONN THAN SEEMED TO BE SUGGESTED BY THE DEPARTMENT. THE UK AND FRENCH REPS DID NOT KNOW IF THEIR AUTHORITIES WERE PLANNING TO SEND A GERMAN EXPERT TO NEW YORK. THEY DID, HOWEVER, AGREE WITH BLECH THAT IT WOULD NOT BE POSSIBLE TO ASSIGN SOMEONE THERE FOR A LONG TIME AND THAT AS MUCH OF THE PREPARATION AS POSSIBLE SHOULD BE COMPLETED IN BONN. THE UK REP (BROOMFIELD) SAID HE HAD BEEN INSTRUCTED BY LONDON TO PROPOSE THAT AT A MINIMUM, THE FOLLOWING POINTS SHOULD BE SETTLED BEFOREHAND IN BONN: A) TIMING OF CONSULTATIONS WITH SOVIETS; B) THE ADVISABILITY OF A REFERENCE TO THE QD IN THE SC RESOLUTION; C) THE TEXTS OF SC STATEMENTS BY ALLIED REPS AND D) GENERAL TALKING POINTS FOR CONDUCT OF THE CONSULTATIONS.

7. THE US REP THOUGHT THAT MOST OF THE POINTS WOULD NOT CAUSE DIFFICULTIES FOR THE DEPARTMENT. IT WAS CLEAR THAT TIMING WOULD HAVE TO BE DISCUSSED BEFOREHAND AND THE US HAD ALSO PROPOSED (PARA 3, REF (A) THAT THE BONN GROUP SHOULD PUT TOGETHER A SUMMARY OF ITS DELIBERATIONS FOR USE IN NEW YORK. THE US REP BELIEVED THAT THE UK IDEA FOR " GENERAL TALKING POINTS" COULD BE COMBINED WITH THE DEPARTMENT' S PROPOSAL. CONCERNING THE SUBSTANTIVE POINTS OF SC RESOLUTION AND ALLIED STATEMENTS, THE US REP PROPOSED THAT THE BONN GROUP CONDUCT A SHORT RUN THROUGH OF THE VARIOUS POSITIONS TO SEE HOW MUCH PREPARATION REMAINED TO BE DONE.

8. SECURITY COUNCIL RESOLUTION: BLECH REPEATED STRONG

FRG OPPOSITION TO INCLUSION OF A REFERENCE TO THE QD IN
THE PREAMBLE TO THE RESOLUTION. HE REITERATED THAT THIS
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WAS A VERY IMPORTANT POINT FOR HIS AUTHORITIES AND ASKED
THAT THE THREE POWERS AGREE TO DROP THIS POINT. THE
FRENCH REP SAID HE AGREED WITH THE FRG POSITION AND
WOULD RECOMMEND AGAINST SUCH A REFER
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BERLIN. THE US REP SAID HE SUPPORTED THIS VIEW.

10. THE UK AND FRENCH REPS ARGUED STRONGLY FOR THE OP-
POSITE APPROACH. THE UK REP (BROOMFIELD) BELIEVED THAT
IF WE BEGAN BY SOUNDING OUT THE SOVIETS IN MORE GENERAL
TERMS, SUGGESTING PERHAPS THAT WE INTENDED TO INCLUDE
SOME REFERENCE TO THE QA, THE RUSSIANS WOULD PROBABLY
SUSPECT THE WORST AND WOULD COME BACK WITH A RELATIVELY
PREJUDICIAL STATEMENT OF THEIR OWN. IF, ON THE OTHER
HAND, THE SOVIETS WERE PRESENTED AN UNOBJECTIONABLE
STATEMENT OF THE TYPE PROPOSED BY THE UK VERY EARLY IN

THE GAME, IT WOULD BE CLEAR TO THEM THAT WE WERE NOT
INTENDING ANY TRICKS, AND AGREEMENT ON MUTUALLY ACCEPT-
ABLE LANGUAGE MIGHT BE EASIER. BROOMFIELD POINTED
OUT THAT THE UK TEXT WAS AN ALMOST EXACT QUOTE FROM THE
QA TO WHICH THE SOVIETS COULD NOT REALLY OBJECT. HE SAID
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THE UK BELIEVED THIS MORE STRUCTURED APPROACH WOULD BE
MORE WORKABLE THAN TO ATTEMPT A GENERAL DISCUSSIONS OF
CONCEPTS. THE FRENCH REP GAVE STRONG SUPPORT TO THIS
PROPOSAL.

11. BROOMFIELD ALSO POINTED OUT THAT WHATEVER THE TACTIC
ADOPTED FOR DEALING WITH THE BERLIN QUESTION, THE WESTERN
SIDE WOULD HAVE TO HAVE SOME IDEA AS TO WHAT IT WOULD
SAY BEFORE CONSULTATIONS BEGAN WITH THE SOVIETS. THUS,
HE COULD NOT AGREE WITH THE DEPARTMENT'S PRO-
POSAL TO DELAY AGREEMENT ON TEXTS UNTIL TALKS HAD BEGUN
IN NEW YORK. THE FRENCH AND FOREIGN OFFICE REPS AGREED
WITH THIS POINT. THE US REP SAID HE WOULD REPORT THE
DISCUSSION TO HIS AUTHORITIES.

12. EMBASSY COMMENT: IT IS CLEAR FROM THE ABOVE DISCUS-
SION THAT THE OTHER BONN GROUP MEMBERS CONSIDER THAT A
GOOD DEAL MORE PREPARATION IS REQUIRED IN BONN THAN THE
DEPARTMENT HAS PROPOSED. HOWEVER, WE DO NOT BELIEVE THAT
THE DIFFERENCE IN APPROACH IS TOO GREAT. IT HAS BEEN
ASSUMED THAT DRAFT TEXTS WOULD BE PREPARED IN BONN SUB-
JECT TO CHANGE, OF COURSE, ON THE BASIS OF THE COURSE OF
DISCUSSIONS IN NEW YORK. AS FOR THE UK PROPOSAL TO PRE-
PARE "GENERAL TALKING POINTS," THE BRITISH HAD MADE
CLEAR TO US THAT THEY ARE NOT THINKING ABOUT WORD FOR
WORD SPEAKING NOTES BUT RATHER A GENERAL OUTLINE OF THE
POINTS WHICH SHOULD BE COVERED. AS NOTED BY THE US REP,
WE BELIEVE THAT THIS IDEA FITS IN CLOSELY WITH THE DE-
PARTMENT'S CONCEPT OF A BONN GROUP SUMMARY.

13. THE REMAINING POINT OF CONTENTION IS INCLUSION OF A
STATEMENT ON REPRESENTATION OF BERLIN. AS NOTED IN EAR-
LIER MESSAGES, OUR VIEW CONTINUES TO BE THAT IT WOULD BE
PREFERABLE IF NEITHER SIDE MENTIONED BERLIN IN ITS SC
STATEMENTS. HOWEVER, IT IS CLEAR THAT THE FRENCH WILL
DEMAND AN ALLIED STATEMENT ON BERLIN NO MATTER WHAT THE
SOVIETS SAY AND THAT INITIALLY AT LEAST THEY WILL NOT
ACCEPT A SOLUTION WHEREBY NEITHER SIDE MENTIONS THE
SUBJECT. GIVEN THIS SITUATION, WE BELIEVE THAT THE UK
TACTIC OF PRES
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